



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,586	03/14/2002	Steve R. Krajewski	020375-005400US	3244
20350 7590 02/11/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
CHANDLER, SARA M				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
02/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/098,586

**Applicant(s)**

KRAJEWSKI ET AL.

**Examiner**

SARA CHANDLER

**Art Unit**

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 10/098,586 (03/14/02) filed on 12/12/07.

### ***Claim Interpretation***

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result (e.g., "for \_\_\_\_\_"), but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result (e.g., "for \_\_\_\_\_"), but does not result in a

Art Unit: 3693

structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as “*if, may, might, can could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “*wherein, whereby*”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

Art Unit: 3693

inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-7 and 18-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Ericksen, US Pub. No. 2002/0123969.

**Re Claims 1-7:** Ericksen discloses a method for using a decision engine to adjust parameter values of a financial account (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]), the method comprising:

assigning to the financial account an account processing method that sets one or more parameter values of the financial account, the account processing method having an associated method override that modifies at least one of the one or more parameter values set by the account processing method (Ericksen, abstract, Figs. 1-8, Tables 1-9, [0002] [0003] [0006] [0012] [0027] [0031] [0032] [0034] [0046] [0047] [0048] [0062]); providing to the decision engine a set of decision criteria comprising a set of decision elements each having one or more threshold values associated therewith, the set of decision elements corresponding to account attributes of the financial account

Art Unit: 3693

(Ericksen, abstract, Figs. 1-8, Tables 1-9, [0003] – [0012]; [0031] – [0058]);

providing to the decision engine the corresponding account attributes of the financial account (Ericksen, abstract, Figs. 1-8, Tables 1-9, [0003] – [0012]; [0030] – [0034]; [0046] – [0061]);

obtaining from the decision engine a result indicating whether to apply the associated method override to the financial account, wherein the decision engine determines the result by applying the decision criteria to the account attributes (Ericksen, abstract; Figs. 1-8, Tables 1-9, [0001] [0002] [0007] – [0012]; [0027] – [0035]; [0046] [0047]; [0053] – [0057]; [0062]; and

applying the associated method override to the financial account in response to a result indicating that the associated method override is to be applied (Ericksen, abstract; Figs. 1-8, Tables 1-9, [0001] [0002] [0007] – [0012]; [0027] – [0035]; [0046] [0047]; [0053] – [0057]; [0062]).

**Re Claims 18-21:** Ericksen discloses a system for adjusting a processing parameter of a financial account (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0006]), comprising:

a first data store for storing financial account data for the financial account, the financial account data including account processing methods and associated method overrides applied to the financial account, the financial account data further including account history information (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]);

a second data store for storing decision rules for determining whether to apply a method override to the financial account based on the account history information (Ericksen,

Art Unit: 3693

abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]); and

a decision engine configured to communicate with the first data store and the second data store, the decision engine configured to retrieve the decision rules from the second data store and the account history information from the first data store, to determine based on the decision rules and the account history information whether a method override should be applied to the financial account, and to apply the method override to the financial account (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]).

**Re Claim 22:** Ericksen discloses the claimed system supra and further discloses a system comprising a user interface configured to communicate with the first data store, wherein the user interface is configured to provide financial account data including whether a method override is applied to the financial account (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0029] – [0034]).

**Re Claim 23:** Ericksen discloses the claimed system supra and further discloses a system comprising: a conflict checking module configured to detect a combination of account processing methods and associated method overrides that creates a conflict when applied to a financial account and to issue a warning when the combination is detected (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]).

### ***Response to Arguments***

#### **Oath/Declaration**

Withdrawn

**102**

Applicant's arguments have been fully considered but they are not persuasive.

Please note the claimed invention have been given their broadest reasonable interpretation. Please see remarks supra regarding the interpretation of the claims.

(a) "assigning to *the financial account* an account processing method that sets *one or more parameter values* of the financial account, the account processing method having an associated *method override that modifies at least one of the one or more parameter values set by the account processing method*;"

"financial account" is akin to the loan for a customer in Ericksen.

For instance, the present invention may be used with unsecured installment loans, unsecured lines of credit, loans secured by cash, loans secured by securities (e.g., equity, bonds, mutual funds, etc.), and loans secured by real property. However, it will be appreciated by one of ordinary skill in the art that the present **invention may also be extended to additional types of loans other than those listed herein, such as for auto loans, charge cards, and revolving credit cards.** (Ericksen, [0027])

"one or more parameter values of the financial account" is akin the type, amount, terms, APR, fees, interest, price etc in Ericksen.

The invention allows a lender to offer mass customization of loans to customers, such that each **customer's loan may be unique in price, amount, and or terms to that customer.** (Ericksen, [0031])

"associated method override that modifies at least one of the one or more parameter values set by the account processing method;" is akin to customizing the loan terms in Ericksen.

The invention allows **a lender to offer mass customization of loans to customers, such that each customer's loan may be unique in price, amount, and or terms to that customer.** (Ericksen, [0031])



Art Unit: 3693

(b) *"providing to the decision engine a set of decision criteria comprising a set of decision elements each having one or more threshold values associated therewith, the set of decision elements corresponding to account attributes of the financial account;"*

"providing to the decision engine a set of decision criteria" is akin to requirements such as the minimum return on equity etc.

Systems, methods, and computer products take into account the amount, term, and type of consumer loan, as well as data relating to a customer's credit score, debt burden, and collateral, if any. The invention then calculates an expected probability of default for a loan to that customer, and **calculates loan terms that will deliver a minimum return on equity (e.g., 18%) given the lender's capital structure and funding rates.** (Ericksen, abstract)

(c) *"providing to the decision engine the corresponding account attributes of the financial account;"*

"providing to the decision engine the corresponding account attributes" is akin to credit data about the customer such as their credit score, debt burden, collateral.

Systems, methods and computer program products according to the present invention take into account the amount, term, and type of customer loan, **as well as data relating to a customer's credit score, debt burden, and collateral, if any.** (Ericksen, [0006])

The custom loan manager includes processing instructions for accepting customer credit application data corresponding to the customer, **accessing credit bureau data corresponding to the customer, calculating an expected probability of default for a loan to the customer based at least in part upon the customer credit application data and the credit bureau data,** and determining customized loan terms that deliver a minimum return on equity for the lender. (Ericksen, [0010])

Art Unit: 3693

- (d) "obtaining from the decision engine a result indicating whether to apply the associated method override to the financial account, wherein the decision engine determines the result by applying the decision criteria to the account attributes;"
- (e) "and applying the associated method override to the financial account in response to a result indicating that the associated method override is to be applied. "

Thus, the decision to apply customized loan terms (i.e., method override) to the customer's loan (i.e., financial account) is determined by applying requirements such as the minimum return on equity (i.e., decision criteria) to credit application data and credit bureau data (i.e., account attributes). When requirements such as the minimum return on equity (i.e., decision criteria) can be achieved in light of the customer's credit application data and credit bureau data (i.e., account attributes), customized loan terms will be applied (i.e., method override) to the customer's loan (i.e., financial account).

The custom loan manager includes processing instructions for **accepting customer credit application data corresponding to the customer, accessing credit bureau data corresponding to the customer, calculating an expected probability of default for a loan to the customer based at least in part upon the customer credit application data and the credit bureau data, and determining customized loan terms that deliver a minimum return on equity for the lender.** (Erickson, [0010])

### **Remarks**

Applicant may wish to schedule a telephone interview with the examiner and a primary examiner prior to submitting the next office action. In particular applicant should be prepared to briefly discuss the invention, what features/attributes applicant believes are novel, where those features/attributes are recited in every single independent claim, and why applicant believes their invention differs from the prior art applied.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC  
/JAGDISH PATEL/  
Primary Examiner, Art Unit 3693